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UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

PENDLETON DIVISION

ANTHONY and KIMBERLY HILTON,

Plaintiffs,

v.

INDEMNITY INSURANCE COMPANY
OF NORTH AMERICA,

Defendant.

Civil No.: _____

**NOTICE OF REMOVAL OF CIVIL
ACTION**

Union County Circuit Court Case No. 16-
01-50190

PLEASE TAKE NOTICE that pursuant to 28 U.S.C. § 1332, 28 U.S.C. § 1441(b),
and 28 U.S.C. § 1446, defendant Indemnity Insurance Company of North America files its
Notice of Removal on the following grounds:

1. Defendant is named in a civil action filed in the Circuit Court for the State of

Oregon, for the County of Union, entitled *Anthony and Kimberly Hilton v. Indemnity*

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Insurance Company of North America, Case No. 16-01-50190. Defendant is a Pennsylvania corporation with its principal place of business in Pennsylvania.

2. The state court action commenced when plaintiffs' Complaint was filed with the Court Clerk of Union County, Oregon, on or about January 11, 2016. Defendant first had notice of the lawsuit on January 22, 2016. Service of the Summons and Complaint on defendant was completed on January 22, 2016. This Removal petition is timely, in that it is being filed within 30 days of the filing and service of the Summons and Complaint.

3. The following pleadings constitute all of the process, pleadings, and orders received by defendants in this action to date: The Summons and Complaint, true copies of which are attached as Exhibit A.

4. The controversy between plaintiffs and defendant is a controversy between citizens of different states. Plaintiffs Anthony and Kimberly Hilton are Oregon residents, whereas defendant is a Pennsylvania corporation with its principal place of business in Pennsylvania.

5. The above-entitled action is a civil action alleging breaches of contract sustained by plaintiffs due to property damage which occurred on April 15, 2015. In this action, plaintiffs seek an award of economic damages in the amount of \$109,105.30, and attorney fees and costs.

6. Thus the amount in controversy in this matter exceeds \$75,000, exclusive of interest and costs, and is one where complete diversity exists between the plaintiffs and the defendant.

7. This is a civil action over which this Court has original jurisdiction pursuant to 28 U.S.C. § 1332, and the action is removal pursuant to 28 U.S.C. § 1446(b).

8. Defendant is currently filing a Notice to state court of Removal to Federal Court with the Clerk of the Union County Circuit Court, in accordance with 28 U.S.C. § 1446(d).

DATED: February 17, 2016

BULLIVANT HOUSER BAILEY PC

By s/ Matthew E. Hedberg

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